

motion detection sensors within the area.)

§ 2001.53 Foreign Government Information [4.1].

The requirements described below are additional baseline safeguarding standards that may be necessary for foreign government information, other than NATO information, that requires protection pursuant to an existing treaty, agreement, bilateral exchange or other obligation. NATO classified information shall be safeguarded in compliance with United States Security Authority for NATO Instructions I-69 and I-70. To the extent practical, and to facilitate its control, foreign government information should be stored separately from other classified information. To avoid additional costs, separate storage may be accomplished by methods such as separate drawers of a container. The safeguarding standards described below may be modified if required or permitted by treaties or agreements, or for other obligations, with the prior written consent of the National Security Authority of the originating government, hereafter “originating government.”

(a) *Top Secret*. Records shall be maintained of the receipt, internal distribution, destruction, access, reproduction, and transmittal of foreign government Top Secret information. Reproduction requires the consent of the originating government. Destruction will be witnessed.

(b) *Secret*. Records shall be maintained of the receipt, external dispatch and destruction of foreign government Secret information. Other records may be necessary if required by the originator. Secret foreign government information may be reproduced to meet mission requirements unless prohibited by the originator. Reproduction shall be recorded unless this requirement is waived by the originator.

(c) *Confidential*. Records need not be maintained for foreign government Confidential information unless required by the originator.

(d) *Restricted and other foreign government information provided in confidence*. In order to assure the protection of other foreign government information provided in confidence (e.g., foreign

government “Restricted,” “Designated,” or unclassified provided in confidence), such information must be classified under E.O. 12958 as amended. The receiving agency, or a receiving U.S. contractor, licensee, grantee, or certificate holder acting in accordance with instructions received from the U.S. Government, shall provide a degree of protection to the foreign government information at least equivalent to that required by the government or international organization that provided the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to U.S. CONFIDENTIAL information. If the foreign protection requirement is lower than the protection required for U.S. CONFIDENTIAL information, the following requirements shall be met:

(1) Documents may retain their original foreign markings if the responsible agency determines that these markings are adequate to meet the purposes served by U.S. classification markings. Otherwise, documents shall be marked, “This document contains (insert name of country) (insert classification level) information to be treated as U.S. (insert classification level).” The notation, “Modified Handling Authorized,” may be added to either the foreign or U.S. markings authorized for foreign government information. If remarking foreign originated documents or matter is impractical, an approved cover sheet is an authorized option;

(2) Documents shall be provided only to those who have an established need-to-know, and where access is required by official duties;

(3) Individuals being given access shall be notified of applicable handling instructions. This may be accomplished by a briefing, written instructions, or by applying specific handling requirements to an approved cover sheet;

(4) Documents shall be stored in such a manner so as to prevent unauthorized access;

(5) Documents shall be transmitted in a method approved for classified information, unless this method is waived by the originating government.

(e) Third-country transfers. The release or disclosure of foreign government information to any third-country entity must have the prior consent of the originating government if required by a treaty, agreement, bilateral exchange, or other obligation.

Subpart E—Self-Inspections

§ 2001.60 General [5.4].

(a) *Purpose.* This subpart sets standards for establishing and maintaining an ongoing agency self-inspection program, which shall include the periodic review and assessment of the agency's classified product. "Self-inspection" means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under the Order.

(b) *Applicability.* These standards are binding on all executive branch agencies that create or handle classified information. Pursuant to Executive Order 12829, the National Industrial Security Program Operating Manual (NISPOM) prescribes the security requirements, restrictions and safeguards applicable to industry, including the conduct of contractor self-inspections. The standards established in the NISPOM should be consistent with the standards prescribed in Executive Order 12958, as amended and this part.

(c) *Responsibility.* The senior agency official is responsible for the agency's self-inspection program. The senior agency official shall designate agency personnel to assist in carrying out this responsibility.

(d) *Approach.* The official(s) responsible for the program shall determine the means and methods for the conduct of self-inspections. These may include:

- (1) A review of relevant security directives, guides and instructions;
- (2) Interviews with producers and users of classified information;
- (3) A review of access and control records and procedures; and
- (4) A review of a sample of classified documents generated by agency activities.

(e) *Frequency.* The official(s) responsible for the program shall set the frequency of self-inspections on the basis of program needs and the degree of

classification activity. Activities that generate significant amounts of classified information should conduct at least one document review per year.

(f) *Reporting.* The format for documenting findings shall be set by the official(s) responsible for the program.

§ 2001.61 Coverage [5.4(d)(4)].

(a) *General.* These standards are not all-inclusive. Each agency may expand upon the coverage according to program and policy needs. Each self-inspection of an agency activity need not include all the elements covered in this section. Agencies without original classification authority need not include in their self-inspections those elements of coverage pertaining to original classification.

(b) *Elements of coverage.* (1) Original classification. (i) Evaluate original classification authority's general understanding of the process of original classification, including the:

(A) Applicable standards for classification;

(B) Levels of classification and the damage criteria associated with each; and

(C) Required classification markings.

(ii) Determine if delegations of original classification authority conform with the requirements of the Order, including whether:

(A) Delegations are limited to the minimum required to administer the program;

(B) Designated original classification authorities have a demonstrable and continuing need to exercise this authority;

(C) Delegations are in writing and identify the official by name or position title; and

(D) New requests for delegation of classification authority are justified.

(iii) Assess original classification authority's familiarity with the duration of classification requirements, including:

(A) Assigning a specific date or event for declassification that is less than 10 years when possible;

(B) Establishing ordinarily a 10 year duration of classification when an earlier date or event cannot be determined; and